

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF JAMES C. WYATT, II, and
LAYDELL WYATT,

Plaintiffs,

Case Number 09-14919
Honorable David M. Lawson
Magistrate Judge Michael J. Hluchaniuk

v.

PATHWAY FINANCIAL and TROTT
AND TROTT, P.C.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT TROTT & TROTT, P.C.'S MOTION TO DISMISS
AND DISMISSING AMENDED COMPLAINT WITH PREJUDICE**

Presently before the Court is the report issued on May 18, 2012 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court grant defendant Trott & Trott, P.C.'s motion to dismiss and dismiss defendant Pathway Financial *sua sponte*. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #135] is **ADOPTED**.

It is further **ORDERED** that defendant Trott & Trott, P.C.'s motion to dismiss [dkt. #116] is **GRANTED**.

It is further **ORDERED** that the plaintiffs' amended complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 6, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 6, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL